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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,816	05/24/2000	Robert C. Yen	RCY1P001	5969

22434 7590 12/18/2003

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EXAMINER	
BAUGH, APRIL L	

ART UNIT	PAPER NUMBER
2141	7

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary	Application No.	Applicant(s)	
	09/578,816	YEN, ROBERT C.	
	Examiner	Art Unit	
	April L Baugh	2141	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) 6-10,13,14 and 27 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-5,11,12,15-26 and 28 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

Applicant has amended claim 5, 12, and 28 and canceled claims 6-10, 13-14, and 27. Therefore claims 1-28 are now pending.

Response to Arguments

1. Applicant's arguments with respect to claims 5, 12, and 28 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's arguments filed September 22, 2003 have been fully considered but they are not persuasive. The applicant argues in reference to claim 1 that Kenner et al. does not teach processing the request for content from a web server in a delayed and non-delayed manner. However it is the examiners position that Kenner et al. teaches the above aspect of the invention (column 2, lines 2-5 and column 25, lines 41-54). Kenner states, "When a web page is accessed, its information is transmitted...across the internet to the user. Multiple requests for the same video clip...can be queued for a short period of time. At the expiration of the queuing time the DSI can then multicast the clip to all of the users requesting the clip". Here Kenner discloses a delayed response to a request for a video clip and a non-delayed response for information from a web page.

The applicant argues in reference to claims 15, 21, and 25 that Barnett et al. does not teach a data transmission system comprising data distribution centers where transmission between content servers and the data distribution centers use multi-destination format, and the

data distribution center converts the multi-destination packets into single-destination packets to deliver to clients. However it is the examiners position that Barnett et al. teaches the above invention (column 3, lines 8-12 and 30-33). Barnett et al. states, 'data is received...and placed into data packets. Data packets are then broadcast to multiple data destinations. The data management and distribution system...can be used to collect and distribute data ...in a single data packet.' Therefore Barnett et al. discusses data distribution centers and the conversion of multi-destination packets into single-destination packets.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim1-5 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent No. 5,956,716 to Kenner et al.

Regarding claim 1, Kenner et al. teaches a method for satisfying a request for content from a web server (column 1, lines 40-43), said method comprising: (a) determining whether a response to the request can be delayed; (b) processing the request to obtain the response in an intentionally delayed manner when said determining (a) determines that the response to the request can be delayed (column 25, lines 41-54); and (c) processing the request without any

intentional delay when said determining (a) determines that the response to the request cannot be delayed (column 2, lines 2-5).

Referring to claim 2, Kenner et al. teaches a method as recited in claim 1, wherein said processing (b) allows a group of requests for the same content to be processed together so as to reduce congestion at the web server (column 25, lines 41-45).

Regarding claim 3, Kenner et al. teaches a method as recited in claim 1, wherein the intentionally delayed manner is based on a predetermined delay (column 25, lines 41-45).

Referring to claim 4, Kenner et al. teaches a method as recited in claim 3, wherein the intentionally delayed manner is based on at least one of a time delay and a quantity threshold (column 25, lines 41-45 and column 31, lines 16-20).

Regarding claim 5, Kenner et al. teaches a method for sending data over the Internet, said method comprising: receiving a plurality of requests for a particular resource provided at a remote server on the Internet, the plurality of requests being provided by different requestors; retrieving the particular resource from the remote server once for the plurality of requests to obtain the particular resource requested by the plurality of requests; and thereafter sending the particular resource to the different requestors (column 25, lines 41-54), wherein said retrieving and/or said sending are performed after a predetermined quantity of the plurality of requests have been received. (column 31, lines 16-20)

3. Claim15-21, 23-26, and 28 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent No. 6,356,948 to Barnett et al.

Regarding claim 15, Barnett et al. teaches a data transmission system for transmitting data from content servers to requestors through a data network (column 1, lines 17-19), said data

transmission system comprising: a plurality of data distribution centers (column 3, lines 30-33), said data distribution centers being connected to the data network, wherein data transmissions between the content servers and said data distribution centers use a multi-destination format so as to reduce congestion (column 2, lines 9-13).

Referring to claim 16, Barnett et al. teaches a data transmission system as recited in claim 15, wherein the multi-destination format uses multi-destination data packets, the multi-destination data packets include at least multiple destination fields and a data field (Fig.6 and column 3, lines 8-12).

Regarding claim 17, Barnett et al. teaches a data transmission system as recited in claim 15, wherein the data network is the Internet (column 4, lines 18-20).

Referring to claim 18, Barnett et al. teaches a data transmission system as recited in claim 15, wherein said data distribution centers are utilized between the content servers and the requestors (column 3, lines 30-33).

Regarding claim 19, Barnett et al. teaches a data transmission system as recited in claim 15, wherein data transmissions between said data distribution centers use a multi-destination format (column 2, lines 9-13 and column 3, lines 8-12).

Referring to claim 20, Barnett et al. teaches a data transmission system as recited in claim 15, wherein data distribution centers service a large number of content servers and only temporarily store data being requested and to be transmitted to the requestors (column 4, lines 45-47).

Regarding claim 21, Barnett et al. teaches a system for transmitting data through a data network from servers to clients, said system comprising: a plurality of data distribution centers

coupled to the data network; and server modules provided in the servers, said server modules operate to receive data to be transmitted to the clients and to from multi-destination packets to carry the data to at least one of said data distribution centers, wherein said data distribution centers receive the multi-destination packets from said server modules and operates to convert the multi-destination packets into single-destination packets and to delivery the single destination packets to the appropriate clients (column 2, lines 9-13 and column 3, lines 8-12 and lines 30-33).

Referring to claim 23, Barnett et al. teaches a system as recited in claim 21, wherein the data network is a global computer network (column 4, lines 3-4 and column 8, lines 57-59).

Regarding claim 24, Barnett et al. teaches a system as recited in claim 21, wherein the multi-destination packets include a plurality of destination locations and data (column3, lines 8-12 and Fig. 6).

Regarding claim 25, Barnett et al. teaches a method for transferring data through a data network from a server to clients, wherein the improvement comprises transferring the data between the server and a data distribution center using a multi-destination format, thereby reducing congestion at the server (column 2, lines 9-13 and column 3, lines 8-12).

Referring to claim 26, Barnett et al. teaches a method as recited in claim 25, wherein the data distribution center does not normally store the data residing on the server but instead obtains the data from the server when needed (column 4, lines 45-47).

Regarding claim 28, Barnett et al. teaches a system for sending data over the Internet, said system comprising: means for receiving a plurality of requests for a particular resource provided at a remote server on the Internet, the plurality of requests being provided by different

requestors (column 2, lines 6-13); means for retrieving the particular resource from the remote server once for the plurality of requests to obtain the particular resource have been requested by the plurality of requests; and means for thereafter sending the particular resource to the different requestors using multi-destination data packets (column 3, lines 7-11, and column 4, lines 18-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim11-12 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,956,716 to Kenner et al. in view of Barnett et al.

Referring to claim 11, Kenner et al. teaches a method as recited in claim 9 (column 25, lines 46-48 and column 31, lines 16-20) and 5 (column 25, lines 41-54).

Kenner et al. does not teach forming multi-destination data packets. Barnett et al. teaches wherein said sending of the particular resource to the different requestors comprises: forming multi-destination data packets to carry data of the particular resource; and transmitting the multi-destination data packets (column 3, lines 8-12). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system and method for delivery of data over a computer network of Kenner et al. by forming multi-

destination data packets because this decreases bandwidth and delay by combining the data and the multiple destination addresses that requested the data into one packet.

Regarding claim 12, Kenner et al. teaches a method for sending data over the Internet, said method comprising: receiving a plurality of requests for a particular resource provided at a remote server on the Internet, the plurality of requests being provided by different requestors; retrieving the particular resource from the remote server once for the plurality of requests to obtain the particular resource requested by the plurality of requests; and thereafter sending the particular resource to the different requestors (column 25, lines 41-54).

Kenner et al. does not teach forming and transmitting multi-destination data packets to carry data of the particular resource. Barnett et al. teaches wherein a data distribution center is coupled to the Internet to assist with the transfer of data (column 3, lines 30-33), and wherein said sending of the particular resource to the different requestors comprises: forming multi-destination data packets to carry data of the particular resource; transmitting the multi-destination data packets from the remote server to the data distribution center (column 3, lines 8-12); converting the multi-destination data packets received at the to data distribution center into single destination data packets; and transmitting the single-destination data packets from the data distribution center to the different requestors, thereby delivering the particular resource requested to the different requestors (column 2, lines 9-14). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system and method for delivery of data over a computer network of Kenner et al. by forming and transmitting multi-destination data packets to carry data of the particular resource because this

decreases bandwidth and delay by combining the data and the multiple destination addresses that requested the data into one packet.

5. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,356,948 to Barnett et al. in view of Kenner et al.

Regarding claim 22, Barnett et al. teaches a system as recited in claim 21 and data distribution centers (column 3, lines 30-33).

Barnett et al. does not teach geographically different locations. Kenner et al. teaches geographically different locations (column 5, lines 43-44 and 61-62). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the method and apparatus for managing data of Barnett et al. by having geographically different locations because having the distribution centers in different locations optimizes the process of responding to request.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER